

17 February 1972

MEMORANDUM FOR: Deputy Director of Security

SUBJECT: Proposed Draft Executive Order
Safeguarding Official Information
in the Interest of National Security

1. On 16 February 1972 I visited the office of David R. Young, Special Assistant to the Assistant to the President for National Security Affairs, to review the most recent draft of subject Order. I think we can live with this draft, although we will not be completely happy with certain portions.

2. Subsection 4(A) retains the phrase "to the extent practicable" in the requirement to indicate which portions of papers are classified and at what level, so this should meet our needs. However, subsection 4(B) still requires that a document identify on its face the highest authority authorizing classification "unless the agency involved shall have provided some other method of identifying the individual at the highest level that authorized classification in each case." I stated to Mr. Young that it was our understanding we would use this proviso and would not necessarily have the document identify on its face the classifying authority. Mr. Young agreed that this was also their understanding.

3. Subsection 4(D) reads, "If a holder believes that there is unnecessary classification, that the assigned classification is improper, or that the document is subject to declassification under this Order, he shall so inform the originator and request instructions." I believe this meets our needs in connection with outside holders and extensions of the 30-year rule.

4. Subsection 5(B)(2) provides for information tending to disclose intelligence sources and methods but does not specify sensitive intelligence. Mr. Young said there was feeling in the drafting group that this phrase was "too broad," but I reminded him that it was included in the definition in the NSCIDs, which he said he would check.

5. Subsection 5(B)(3) now reads, "Classified information or material the disclosure of which would place in jeopardy a person, system, plan, installation, or project the continuing protection of which is imperative in the interest of national security."

6. Subsection 5(B)(4) exempts information which would have an immediate adverse effect on the conduct of foreign relations.

7. Subsection 5(D), pertaining to mandatory review of classification, provides that if a document is classified more than 30 years prior to the date of review, it shall be declassified unless the head of the department of origin personally determines in writing at that time that continued protection of such information or material is essential to the national security or that disclosure would jeopardize an intelligence source. It also provides that the time be stated for which the protection will be extended. In the Order "department" is defined as meaning "department or agency," so we are included in this provision.

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General Counsel

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